IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.747 OF 2006

Shri Rajesh C. Narang & Ors. ... Applicants

Vs.

The State of Maharashtra & Anr. ...Respondents

Shri Girish B. Badiger for the Applicants.

Ms S.V. Gajare, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 04, 2006.

JUDGMENT:

1. Rule. The learned A.P.P. waives service for the first Respondent. The second Respondent is personally present. The Advocate for the Applicants states that he personally identifies the second Respondent. Today, the second Respondent has tendered an affidavit on record.

2. The prayer in this Application under section 482 is for quashing the complaint filed by the second Respondent against the Applicants. The complaint filed by the second Respondent alleges commission of offence under section 498-A read with section 34 of the Indian Penal Code. The second Respondent is the wife of the first Applicant. It appears that the complaint was the outcome of the matrimonial dispute between the first

Applicant and the second Respondent. In this Application it is stated that now there is an overall settlement between the first Applicant and the second Respondent. The affidavit of the second Respondent is taken on record. In paragraph nos.3,4 and 5 of the said affidavit it is stated as under:

> "3. I state that due to some differences I started staying separately from my husband. I proceeded to file a criminal complaint [498-A] against my husband and relatives with Wanorie Police Station. The regular criminal complaint no:-415/2005 is pending before the Learned JMFC, Cantonment Pune.
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> 4. I state that recently due to compromise between me and my husband, I have started staying with him at his house have decided to amicably settle our quarrel hence I wish to withdraw the [498-A] criminal complaint that I have filed against him and relatives.

5. I state that there is no fraud of force being practiced upon me or I am not withdrawing the criminal complaint due to pressure or any undue influence".

3. In view of what is stated in the affidavit and the case made out by the Applicants, it is obvious that continuation of criminal proceeding will cause sheer harassment to both the parties. Hence, a case is made out for exercising power under section 482 of the Code of Criminal Procedure. Accordingly, I pass the following order:

(i) Rule is made absolute in terms of prayer clause (a).

JUDGE